

**REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL**

**November 19, 2001**

**2:00 p.m.**

**The Council of the City of Roanoke met in regular session on Monday, November 19, 2001, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.**

**PRESENT: Council Members W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt (arrived late), William D. Bestpitch, William H. Carder, C. Nelson Harris, and Mayor Ralph K. Smith-----7.**

**ABSENT: None-----0.**

**OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.**

**The meeting was opened with a prayer by The Reverend Charles H. Ward, Associate Pastor, First Baptist Church.**

**The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.**

**PRESENTATIONS AND ACKNOWLEDGEMENTS:**

**PROCLAMATIONS: The Mayor presented a proclamation declaring the month of November as National Home Care Month in the City of Roanoke.**

**CONSENT AGENDA**

**The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to two requests to convene in Closed**

Session to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, and to discuss expansion of an existing business, where no previous announcement of the expansion has been made.

**COMMITTEES-COUNCIL:** A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by the Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

**AYES:** Council Members Hudson, White, Bestpitch, Carder, Harris, and Mayor Smith-----6.

**NAYS:** None-----0.

(Council Member Wyatt was absent.)

**DIRECTOR OF FINANCE-CITY EMPLOYEES:** A communication from James D. Grisso, Director of Finance, submitting his resignation as Director of Finance, effective February 1, 2002, was before the body.

Mr. Bestpitch moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Hudson and adopted by the following vote:

**AYES:** Council Members Hudson, White, Bestpitch, Carder, Harris, and Mayor Smith-----6.

**NAYS:** None-----0.

(Council Member Wyatt was absent.)

**COMMITTEES-ZONING:** A communication from J. Clayton Grogan submitting his resignation as a member of the Board of Zoning Appeals, effective immediately,

was before Council.

Mr. Bestpitch moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0

(Council Member Wyatt was absent.)

**PURCHASE/SALE OF PROPERTY-CITY PROPERTY:** A communication from the City Manager advising that pursuant to requirements of the Code of Virginia, 1950, as amended, the City of Roanoke is required to hold a public hearing on the proposed conveyance or vacation of property rights, was before Council.

She recommended that a public hearing be advertised for Monday, December 17, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, in connection with the proposed conveyance of City-owned property identified as Official Tax No. 2760603 to Paul Honaker.

Mr. Bestpitch moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt was absent.)

**COUNCIL-INDUSTRIES:** A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss a matter with regard to expansion of an existing business, where no previous announcement of the expansion has been made, pursuant to Section 2.2-3711(A)(5), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss a matter with regard to expansion of an existing business, where no previous announcement of the expansion has been made, pursuant to Section 2.2-3711(A)(5), Code of Virginia (1950), as amended. The

**motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Hudson, White, Bestpitch, Carder, Harris, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent.)**

**COMMITTEES-BLUE RIDGE BEHAVIORAL HEALTHCARE:** A communication from S. James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare, advising that the term of office of William L. Lee as an at-large representative to the Blue Ridge Behavioral Healthcare Board of Directors will expire on December 31, 2001; Reverend Lee is currently serving as Chair of the Board; and pursuant to §37.1-196, Code of Virginia, 1950, as amended, in 1998, Community Services Board Members are currently eligible to serve three full three-year terms of office, was before Council.

**Mr. Sikkema requested that Council ratify the reappointment of William L. Lee, for a term commencing January 1, 2002, and ending December 31, 2004.**

**Mr. Bestpitch moved that Council concur in the reappointment of William L. Lee to the Blue Ridge Behavioral Healthcare Board of Directors. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Hudson, White, Bestpitch, Carder, Harris, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent.)**

**ZONING-ROANOKE CIVIC CENTER-INDUSTRIES-MUNICIPAL AUDITOR-ROANOKE NEIGHBORHOOD PARTNERSHIP-OATHS OF OFFICE-COMMITTEES:** The following reports of qualification were before Council:

**Troy A. Harmon as Municipal Auditor for a term beginning October 18, 2001 and ending September 30, 2002;**

**S. Deborah Oyler as a Director of the Industrial Development Authority of the City of Roanoke for a term ending October 20, 2005;**

**William D. Poe as a member of the Board of Zoning Appeals to fill the**

unexpired term of Willard G. Light, resigned, ending December 31, 2002;

Stuart G. Boblett, III, as a member of the Roanoke Civic Center Commission to fill the unexpired term of Edward L. Lambert, deceased, ending September 30, 2003; and

Paula L. Price as a member of the Roanoke Neighborhood Partnership Steering Committee for a term ending November 30, 2004.

Mr. Bestpitch moved that the reports of qualification be received and filed.

The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt was absent.)

At 2:15 p. m., Council Member Wyatt entered the meeting.

#### REGULAR AGENDA

PUBLIC HEARINGS: None.

#### PETITIONS AND COMMUNICATIONS:

**TOTAL ACTION AGAINST POVERTY:** Annette Lewis, Director, Total Action Against Poverty This Valley works Program, a program responsible for overseeing TAP's drop out retrieval program, appeared before Council and expressed appreciation to the City of Roanoke for the donation of Victory Stadium and for Roanoke Civic Center staff support on September 1, 2001, for the Western Virginia Education Classic. She explained that funds received from the event helped to address the alarming drop out crisis in the community. She advised that in the 1998-99 school year, 535 children dropped out of Roanoke City Public Schools and in the first year of operation of Project Discovery, 128 students returned to education and 54 obtained their GED. She stated that the staff at Project Discovery and its partners, the Roanoke City Public Schools and Radford University, continue to work to reduce the drop out rate and the Western Virginia Education Classic helps Project Discovery to educate the public on the need to reverse the drop out trend and offers an opportunity for the community to provide financial support for drop out retrieval efforts. Due to the in kind contribution of Victory Stadium and Roanoke Civic Center staff, she advised that TAP gained the support of the City of Salem, and various foundations, businesses, news media, churches, civic leaders, educators and

concerned citizens.

Without objection by Council, the Mayor advised that the remarks of Ms. Lewis would be received and filed.

**BUDGET-SCHOOLS:** A communication from the Roanoke City School Board requesting appropriation of \$7,915.00 for the Western Virginia Regional Science Fair, which is a continuing grant that will be funded by participating school districts, corporate and individual contributions, and local match, was before Council.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35641-111901) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 School Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 258.)

Mr. Bestpitch moved the adoption of Ordinance No. 35641-111901. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

**BONDS-INDUSTRIES-HOSPITALS-SCHOOLS:** A communication from Harwell M. Darby, Jr., Attorney, representing the Industrial Development Authority, advising that the Industrial Development Authority of the City of Roanoke requests that Council approve two proposed bond issues; i.e.: the Catholic Diocese of Richmond for bonds to be issued by the City of Salem Industrial Development Authority, in an amount not to exceed \$5,000,000.00; and the second bond issue not to exceed \$100,000,000.00 for Carilion Medical Center for bonds to be allocated to hospital facilities at Carilion Roanoke Memorial Hospital, Carilion Roanoke Community Hospital, Carilion Giles Memorial Hospital, Bedford Memorial Hospital, and Carilion Franklin Memorial Hospital and to include certain refinancings for outstanding bonds on said hospital facilities, was before Council.

Mr. Carder offered the following resolution:

**(#35642-111901) A RESOLUTION approving the issuance of a revenue note by the Industrial Development Authority of the City of Salem (the “Issuer”), under the Industrial Development and Revenue Bond Act, as amended (the “Act”), requested by the Roanoke Catholic School (the “School”) and the Catholic Diocese of Richmond (the “Diocese”) to refinance certain indebtedness incurred by the School in connection with the construction, equipping, and furnishing of a multipurpose building (the “Project”) at the School’s facilities located in the City of Roanoke, Virginia, and to pay other costs of the Project, pursuant to Section 147(f) of the Internal Revenue Code of 1986 and Section 15.2-4906 of the Code of Virginia (1950), as amended.**

**(For full text of Resolution, see Resolution Book No. 65, page 259.)**

**Mr. Carder moved the adoption of Resolution No. 35642-111901. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.**

**NAYS: None-----0.**

**Mr. Carder offered the following resolution:**

**(#35643-111901) A RESOLUTION of the City Council of the City of Roanoke, Virginia, authorizing, among other things, the issuance of not to exceed \$100,000,000.00 aggregate principal amount of Industrial Development Authority of the City of Roanoke, Virginia Hospital Revenue Bonds (Carilion Health System Obligated Group) Series 2002A to the extent required by Section 147 of the Internal Revenue Code of 1986, as amended.**

**(For full text of Resolution, see Resolution Book No. 65, page 262.)**

**Mr. Carder moved the adoption of Resolution No. 35643-111901. The motion was seconded by Mr. Bestpitch and adopted by the following vote:**

**AYES: Council Members Hudson, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.**

**NAYS: Council Member White-----1.**

**CITY EMPLOYEES: A communication from Vice-Mayor William H. Carder advising that in recognition of the City of Roanoke’s significant efforts to accomplish the goals of City Council during the past year, he would like to recommend that**

Council provide an additional holiday for City employees on Monday, December 24, 2001, for the upcoming holiday season, was before the body.

Mr. Carder offered the following resolution:

(#35644-111901) A RESOLUTION closing certain City offices on Monday, December 24, 2001, and providing for additional holiday leave for all City employees.

(For full text of Resolution, see Resolution Book No. 65, page 266.)

Mr. Carder moved the adoption of Resolution No. 35644-111901. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE-CITY CHARTER-CITY COUNCIL: Vice-Mayor William H. Carder presented a communication advising that as Council is aware, James D. Grisso has tendered his resignation as Director of Finance, effective February 1, 2002; therefore, he proposed an amendment to the Roanoke City Charter to allow for a change in authority of the Council-Appointed position of Director of Finance to a directorate under the responsibility of the City Manager. He noted that he had requested that the City Attorney draft the necessary changes to the City Charter, and presented copies of the sections of the Charter in need of amendment.

Mr. Carder moved that Council consider, at its public hearing regarding proposed changes to the City Charter scheduled for the 7:00 p. m., session this evening, a motion that Sections 8, 9, 23, 25.1, 25.2 and 33 be amended to provide that the City Manager will perform, or have performed, those functions currently performed by the Director of Finance and that there will no longer be a Director of Finance to be appointed by the Members of City Council.

The motion failed for lack of a second.

Mr. Bestpitch moved that the matter be referred to the Council's Financial Planning Session to be scheduled in early March 2002. The motion was seconded by Ms. Wyatt.

Robert H. Bird, 4711 Horseman Drive, N. E., former Municipal Auditor, advised that when he was first appointed to the position of Municipal Auditor in 1991, he



benchmarked the City of Roanoke against other localities and Fairfax County provided an ideal model for benchmarking. He stated that he examined the Fairfax County government in general, and was impressed with its streamlined form of government consisting of a central chief executive, no Constitutional Officers and no Council Appointed Officers. He advised that during his tenure as Municipal Auditor, the City's current organizational structure; i.e.: a Chief Administrative Officer, Constitutional Officers and Council-Appointed Officers represented a frustration, not from a personality point of view but from a structural system point of view. He spoke in support of the proposal of Vice-Mayor Carder which will provide for a more effective and efficient City government structure.

Mr. White requested that the record reflect that he has served on the Audit Committee since 1991 and annually, an audit analysis, risk assessment, and audit plan are prepared, however, no major flaw in the City's organizational structure has been identified during the ten years that he has chaired the Audit Committee and worked with Mr. Bird in his capacity as Municipal Auditor. He stated that he would support the motion offered by Mr. Bestpitch, however, if Council discusses the position of Director of Finance, it should discuss other Council Appointed positions as a part of the process.

Mr. Hudson spoke in support of the current structure of Council Appointed Officers which has existed for many years and has worked well for the City of Roanoke. He stated that checks and balances between the Finance Department and the City Manager's Office are needed; therefore, the Council Appointed positions should remain intact.

Mr. Bestpitch clarified his motion to point out that no action can be taken by the Council until December 2002 as a component of another City Charter amendment for consideration by the 2003 General Assembly. He suggested that Council consider the motion as an opportunity to indicate an interest in discussing the matter, with the understanding that Council will then proceed from this point to advertise for and to recruit a new Director of Finance under the current organizational structure, while advising candidates who have expressed an interest in the position of Director of Finance that the issue is under consideration for further discussion by Council.

Ms. Wyatt advised that the issue is too important for the Council to discuss and act upon at its evening public hearings following a full day of meetings. She stated that discussion should take place at a time when Council can devote the kind of attention to the topic that it deserves.

The motion offered by Mr. Bestpitch to refer the matter to the Council's Financial Planning Session in early March 2002, seconded by Ms. Wyatt, was unanimously adopted.

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**BRIEFINGS:** None.

**ITEMS RECOMMENDED FOR ACTION:**

**CITY CODE-TAXES:** The City Manager submitted a communication advising that at a regular meeting of Council on July 16, 2001, Council Member White requested a review of the City's current policy with respect to supporting requests of non-profit organizations to exempt certain property from taxation, pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia; the policy was adopted by Council on February 18, 1992, and requires such organizations agree to pay an annual service charge equal to 20% of the real estate tax levy on the property to be exempted as a condition to receiving a resolution from Council supporting the request for tax exemption to the General Assembly; there are over 2,000 properties in the City of Roanoke valued at \$848.1 million which are tax-exempt, amounting to 17% of all real estate; \$661.5 million of this total is comprised of properties that are exempted from a service charge; and 18 organizations currently pay a total of \$30,793.00 in service charges.

It was further advised that it is important to note that an agency does not need City Council's support to approach the General Assembly; therefore, based on current City policy, an agency could choose not to pay the voluntary service charge and still receive General Assembly approval for tax exemption; over the past ten years, the percentage of tax-exempt properties in the City has increased from 14.2% to 17.13%; and in the categories of Charitable and Other, 17 organizations receive additional financial assistance from the City, and six organizations pay service charges.

**The City Manager recommended that Council:**

Amend the current City policy by removing the provision that states the value of all exempted taxes should be deducted from any funding provided by the City of Roanoke to the organization. After reviewing the policy, enforcement of this provision could have a negative impact on these agencies.

Adopt an ordinance allowing the City to implement a triennial review performed by the Director of Real Estate Valuation as provided

by the Code of Virginia Section 58.1-3605. The owner of the property will be required to provide any information which would be relevant to the continuance of the exemption granted. This will allow the City to conduct periodic reviews of the current status of properties to ensure that the tax exempt status has not changed.

Mr. Harris offered the following resolution:

(#35645-111901) A RESOLUTION amending Resolution No. 30884-021892, adopted February 18, 1992, which established the policy of the City with respect to supporting requests of certain non-profit organizations to exempt certain property from taxation pursuant to Article X, §6(a)(6), of the Constitution of Virginia.

(For full text of Resolution, see Resolution Book No. 65, page 267.)

Mr. Harris moved the adoption of Resolution No. 35645-111901. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Bestpitch offered the following ordinance:

(#35646-111901) AN ORDINANCE amending and reordaining Chapter 32. Taxation, Article II, Real Estate Taxes Generally, of the Code of the City of Roanoke (1979), as amended, by adding a new section entitled §32-26. Triennial application for exemption, providing for the periodic filing of applications with the Director of Real Estate Valuation as a requirement for the retention of tax exempt status, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 268.)

Mr. Bestpitch moved the adoption of Ordinance No. 35646-111901. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

**CITYCODE-REFUSE COLLECTION-RECYCLING:** The City Manager submitted a communication advising that the Solid Waste Management Division (SWM) of the Public Works Department has re-engineered the recycling collection program for all residential households; as of July 2, 2001, Solid Waste Management began the collection of commingled (mixed) recyclables; and City Code Section 14.1-16(b) indicates that certain alleys designated by the City Manager may be used for automated collection container service, but not recyclables collection.

It was further advised that residents who continue to have their trash collection service provided in the alley have indicated that they have difficulty placing their recycling container at the curb due to topographic conditions (steps, walls, etc.); and in an effort to further increase the collection of recyclables, alley collection of recyclables has been provided, however, a change to the Solid Waste ordinance is needed to continue alley service.

Mr. Bestpitch offered the following ordinance:

(#35647-111901) AN ORDINANCE amending and reordaining subsections (r) and (s) of §14.1-1, Definitions, and subsection (b) of §14.1-16, Placement for collection generally, of Chapter 14.1, Solid Waste Management, of the Code of the City of Roanoke (1979), as amended, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 269.)

Mr. Bestpitch moved the adoption of Ordinance No. 35647-111901. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

**PURCHASE/SALE OF PROPERTY-AIRPORT-SEWERS AND STORM DRAINS-EASEMENTS-BUDGET:** The City Manager submitted a communication advising that drainage problems in the vicinity of Airport Road and Towne Square Boulevard have hampered the development of properties in the area; a project designed to improve drainage is sufficiently complete to identify property rights that need to be acquired by the City for construction of the project; authorization by Council is needed to move forward with procurement of title work, appraisals, and document preparation

related to acquisition of the necessary property rights; and estimated expenses are not expected to exceed \$100,000.00, which funds are available in Capital Project Account No. 008-052-9627, Innotech Expansion.

The City Manager recommended that she be authorized to acquire all necessary property rights which may be acquired following a satisfactory environmental site inspection by negotiation or eminent domain, and include fee simple, permanent easements, permanent access easements, temporary construction easements, rights-of-way, licenses or permits, etc.; and transfer \$100,000.00 from Account No. 008-052-9627 to an account to be established by the Director of Finance entitled, "Airport Road Storm Drain Extension Project."

Mr. Bestpitch offered the following emergency budget ordinance:

(#35648-111901) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 270.)

Mr. Bestpitch moved the adoption of Ordinance No. 35648-111901. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Bestpitch offered the following ordinance:

(#35649-111901) AN ORDINANCE providing for the acquisition of certain property rights needed by the City for the Airport Road Storm Drain Extension Project; setting a limit on the consideration to be offered by the City; providing for the City's acquisition of such property rights by condemnation, under certain circumstances; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 271.)

Mr. Bestpitch moved the adoption of Ordinance No. 35649-111901. The motion was seconded by Mr. Hudson and adopted by the following vote:

**AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.**

**NAYS: None-----0.**

**HOUSING/AUTHORITY-GRANTS-DONATIONS/CONTRIBUTIONS:** The City Manager submitted a communication advising that the Roanoke Redevelopment and Housing Authority is the current owner of two parcels of land purchased with Community Development Block Grant funds; the Housing Authority has requested that the City accept donation of the two parcels of land identified as Official Tax No. 2013938, located adjacent to Wometco, Coca Cola Bottling Co. containing 0.719 acre and valued at \$2,000.00; acceptance of the parcel of land would allow it to be combined with adjacent City property that could then potentially be developed; and parcel #2 is identified as Official Tax No. 3041224, located in the Deanwood Industrial Park, containing 0.378 acre, and valued at \$4,900.00, which parcel of land serves as the stormwater management system for the industrial park and has been completed and will be maintained by the City.

The City Manager recommended that she be authorized to execute the appropriate documents to accept donation of the property, subject to an acceptable environmental inspection, in a form to be approved by the City Attorney.

Mr. Bestpitch offered the following ordinance:

**(#35650-111901) AN ORDINANCE** authorizing the City Manager to execute the appropriate documents for the acceptance of a donation of certain properties by the Roanoke Redevelopment and Housing Authority to be used for developmental purposes by the City; upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 273.)

Mr. Bestpitch moved the adoption of Ordinance No. 35650-111901. The motion was seconded by Mr. Hudson and adopted by the following vote:

**AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.**

**NAYS: None-----0.**

**DONATIONS/CONTRIBUTIONS-VIRGINIA TRANSPORTATION MUSEUM-EQUIPMENT:** The City Manager submitted a communication advising that on June 4, 2001, Council authorized the City Manager to execute an agreement to accept

donation of the 1218 steam locomotive from Shenandoah-Virginia Corporation; and the Virginia Museum of Transportation agreed to exhibit the locomotive in its rail yard, and insure and maintain the equipment as part of the Museum's collection, while ownership of the locomotive will remain with the City because of its historical significance to the City of Roanoke.

It was further advised that the Museum currently houses and maintains a number of other transportation equipment items owned by the City which have been acquired from time to time over the years, and documents relating to their acquisition by the City cannot be located; no restrictions are known on the items that would prohibit them from being donated to the Transportation Museum, however, there is currently no formal agreement between the Virginia Museum of Transportation and the City regarding maintenance and insurance of the equipment, as is the case with the 1218 locomotive; most of the equipment should be donated to the Transportation Museum to simplify equipment maintenance and insurance issues, with the understanding that if the Transportation Museum should close, ownership of the equipment would revert to the City; ownership of the No. 611 Class A Steam Locomotive should be retained by the City because of its historical significance; and the Transportation Museum has agreed to accept the donation of the transportation items, with the exception of the No. 611 Class A. Steam Locomotive.

The City Manager recommended that Council adopt an ordinance authorizing the donation of transportation equipment items described as follows, with the exception of the No. 611 Class A Steam Locomotive, to the Virginia Museum of Transportation, with ownership of the items to revert to the City in the event of closure of the Transportation Museum and if such equipment items are still in place.

Extended Roof Rockaway (Carriage)  
Stick Seat Box Buggy (ca. 1885)  
Studebaker Wagon (ca. 1870)  
Galax Buggy Co. Carriage  
Jas. Cunningham Hearse (ca. 1895)  
Covered Wagon (ca. 1900)

1920 Buick Touring Car  
1930 Chevrolet Stake Bed Truck  
1924 Ford Model T Chassis  
1927 White Motor Co. Truck  
1938 Cadillac Fire Truck  
1922 White Dump Truck

1940 Seagrave Fire Truck

**1950 Oren Fire Truck**

**Celanese 0-4-0 Tea Kettle**

**1914 Panama Canal Mule**

**VGN 0-8-0 Steam Loc. #4**

**N&W Steam Loc. #6**

**Wabash E-8A #1009**

**N&W Caboose #518391**

**N&W RPO Car**

**N&W Class PG Coach**

***No. 611 Class A Steam Locomotive (ownership to remain with City)***

**2 Railway Express Carts**

**Mr. Bestpitch offered the following ordinance:**

**(#35651-111901) AN ORDINANCE authorizing the donation of certain City-owned transportation equipment to the Virginia Museum of Transportation, Inc., upon certain terms and conditions; dispensing with the second reading by title of this ordinance; and providing for an effective date.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 274.)**

**Mr. Bestpitch moved the adoption of Ordinance No. 35651-111901. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.**

**NAYS: None-----0.**

**BUDGET-FIRE DEPARTMENT-GRANTS: The City Manager submitted a communication advising that the Fire Program Fund was established by the General Assembly, effective October 4, 1985, pursuant to Section 38.1-44.1, Code of Virginia, 1950, as amended; the sunset clause requiring expiration of the Fire Program Fund on July 1, 1990, was removed, thus, the City's annual allocation of State funds will continue indefinitely; program guidelines require that funds received are non-supplanting and may not be used to replace existing local funding; funds must be used in accordance with provisions established by the State Department of Fire Programs; and the City of Roanoke's allocation of \$131,794.71 was deposited into Account No. 035-520-3232-3232 from the Department of Fire Programs.**



It was further advised that the City's portion of the Roanoke Regional Fire Training Center debt service is \$60,000.00, which will be paid annually from this revenue source; and action by Council is needed to formally accept and appropriate funds, and authorize the Director of Finance to establish revenue estimates and appropriation accounts in the Grants Program Fund to purchase equipment and supplies pursuant to provisions of the program.

The City Manager recommended that she be authorized to accept the grant and appropriate grant funds totaling \$131,794.71, with corresponding revenue estimates in accounts to be established by the Director of Finance in the Grant Fund.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35652-111901) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 275.)

Mr. Bestpitch moved the adoption of Ordinance No. 35652-111901. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Bestpitch offered the following resolution:

(#35653-111901) A RESOLUTION authorizing the acceptance of the FY2002 Fire Programs Funds Grant made to the City of Roanoke by the Virginia Department of Fire Programs and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents.

(For full text of Resolution, see Resolution Book No. 65, page 276.)

Mr. Bestpitch moved the adoption of Resolution No. 35653-111901. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

**NAYS: None-----0.**

**CITY EMPLOYEES:** The City Manager submitted a communication advising that Council approved Special Military Pay on November 5, 2001, to provide supplemental pay for military reservists called to active duty related to the war on terrorism; and an amendment was requested to limit pay to employees in service with the City of Roanoke before receiving military orders.

The City Manager recommended that Council adopt an amendment to the special policy to pay military reservists, and covered employees would be those who are called to active duty related to the country's war on terrorism subsequent to the employee's employment with the City of Roanoke.

**Mr. Bestpitch offered the following resolution:**

**(#35654-111901) A RESOLUTION** authorizing payment of supplementary compensation and restoration of certain benefits to employees called to active military duty; and repealing Resolution No. 35637-110501, adopted November 5, 2001.

**(For full text of Resolution, see Resolution Book No. 65, page 277.)**

**Mr. Bestpitch moved the adoption of Resolution No. 35654-111901. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.**

**NAYS: None-----0.**

**TRAFFIC-HOSPITALS:** The City Manager submitted a communication advising that on September 1, 1998, the City of Roanoke and Carilion Health System entered into a Parking Agreement providing Carilion with the right to purchase a minimum of 310 and a maximum of 440 parking permits for use in certain City owned and/or controlled parking garages during normal business hours; and Carilion has purchased the maximum number of permits allowed by the Agreement and now intends to create and/or move additional job positions downtown and requires the ability to purchase up to an additional 60 parking permits above the 40 provided for in the Parking Agreement.

It was further advised that the City wishes to make these additional permits available to Carilion, pursuant to the same terms and conditions as set forth in the Parking Agreement, except that such additional permits will be made available for purchase by Carilion Health System at the approved prevailing monthly parking rate for the particular parking garage for which such permits are issued, less ten percent; rates for the additional parking permits will also be subject to any and all rate changes which may be approved by Council during the life of the Parking Agreement; and Carilion Health System may request the additional supplemental permits in writing, through the City's Director of Economic Development, and may cancel any or all of such permits at the time Carilion makes its annual report to the City as specified in Section 7 (b) of the Parking Agreement.

The City Manager recommended that Council approve Amendment No. 1 to the September 1, 1998, Parking Agreement between the City of Roanoke and Carilion Health System providing Carilion with the ability to acquire an additional 60 parking permits.

Mr. Bestpitch offered the following emergency ordinance:

(#35655-111901) AN ORDINANCE authorizing the City Manager to execute Amendment 1 to the September 1, 1998, Parking Agreement between the City of Roanoke and Carilion Health System; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 278.)

Mr. Bestpitch moved the adoption of Ordinance No. 35655-111901. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White abstained from voting.)

**BUILDINGS/BUILDING DEPARTMENT-LANDMARKS/HISTORICAL PRESERVATION:** The City Manager submitted a communication advising that Roanoke has many historically significant places that consist of individual buildings, such as St. Andrew's Catholic Church, or consist of many buildings, such as the City Market and Old southwest; these landmarks are designated on the National Register

of Historic Places; and locations that currently have this designation include:

- City Market
- Old Southwest/Mountain View
- Hotel Roanoke/Higher Education Center/GOB South
- Warehouse Row
- Historic Gainsboro

It was further advised that in July, 2000, the City of Roanoke entered into a 50/50 cost-sharing program with the Virginia Department of Historic Resources (VDHR) for surveying portions of downtown Roanoke for possible inclusion on the National Register of Historic Places; the project area contains 200 properties that would “fill the gaps” between existing National Register districts; the City of Roanoke committed \$15,000.00, with a State match of \$15,000.00, for a total project budget of \$30,000.00; Hill Studio was retained to conduct the survey; and survey work was also completed on a proposed Henry Street District, which is composed of the Dumas Hotel and Ebony Club properties; once an area is surveyed, a “Preliminary Information Form” is submitted to the Virginia Department of Historic Resources, which determines eligibility; an official nomination is made following eligibility determination; survey work has been completed for the Downtown West District and the Henry Street District; and Preliminary Information Forms have been prepared and must be endorsed by Council in order to proceed.

It was further explained that designation on the National Register provides many benefits, including economic incentives and promoting community pride; National Register designation encourages investment by making State and Federal tax incentive programs available, which can offset up to 45% of the cost of rehabilitation; tax credit programs have been successful at spurring rehabilitation projects, major examples of which include the Roanoke Higher Education Center, Shenandoah Hotel, and Spectrum Design; many of the projects would not have been feasible without tax credits made available through National Register designation; it is important to note that inclusion on the National Register does not necessarily mean that Roanoke’s H-1 and H-2 zoning district overlays will apply; no control over design is imposed on property owners unless Federal funds are involved; and use of Federal funds or participation in a tax credit project will require that an owner comply with rehabilitation standards adopted by the U. S. Secretary of the Interior.

The City Manager recommended that Council adopt a resolution endorsing the nominations of the Downtown West Historic District and the Henry Street Historic District for inclusion on the National Register of Historic Places, and that the City

Manager be authorized to execute documents related to the nominations on behalf of the City.

Mr. Carder offered the following resolution:

(#35656-111901) A RESOLUTION endorsing the inclusion of the Downtown West and the Henry Street Districts as landmarks on the Virginia Landmarks Register and the National Register of Historic Places; and authorizing the proper City Official to execute the appropriate documents to include those areas on the Virginia Landmarks Register and the National Register of Historic Places.

(For full text of Resolution, see Resolution Book No. 65, page 280.)

Mr. Carder moved the adoption of Resolution No. 35656-111901. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

**ANIMALS/INSECTS:** The City Manager submitted a communication advising that for the past 40 years, the Roanoke Valley SPCA has operated out of a converted farmhouse building constructed in 1917 and located at 1313 Eastern Avenue, N. E.; periodically during that time, the SPCA has accepted the responsibility to house and provide care for pound animals for Roanoke County and Botetourt County, the Town of Vinton and the City of Roanoke; the facility is now dilapidated and inadequate, and State Veterinarian inspectors have consistently rated the animal care provided by the SPCA as excellent, however, the physical facility itself was rated as deficient; the State has notified participating local governments that it will begin levying fines for certain deficiencies; and both the SPCA and local governments have been independently seeking new facilities for the past several years as a result of existing deficiencies.

It was further advised that after extensive research, planning and numerous meetings, the SPCA and various local governments have prepared a plan to develop a state of the art facility for animal management in the Roanoke Valley, which is proposed to be located next to the current facility, and will house SPCA operations, in addition to the pound operations of Roanoke County, Botetourt County, the Town of Vinton, and the City of Roanoke; the SPCA will continue to care for animals

through its subsidiary, Animal Care Services, Inc. (ACS); the two operations will be adjacent, sharing a roof line and other items in order to contain costs; this public/private partnership will provide an improvement in the services for animals and the community in a manner that is more humane, efficient and economical; the co-location relationship will also facilitate coordinated efforts of the SPCA and local governments in mutual projects such as increased licensing, return of animals to owners, community wide humane education, and humane investigation; and the SPCA has been actively pursuing the goal of building a new shelter and raising the necessary funds for many years, and the Executive Director and staff played a major role in researching successful animal welfare organizations, with an emphasis on development of both physical plant and program plans for the new facility.

It was explained that the current building is located in the flood plain and has experienced several floods; the facility is in violation of State regulations which must be quickly addressed; a draft Roanoke Valley Regional Pound Facility Services Agreement, which has been reviewed by attorneys for participating local governments, is provided for review by Council; Schedule A defines percentage payments for local governments based upon historic use of the current facility, with percentages to be adjusted every three years based upon actual use of the facility; the City's current percentage is 51%; the term of the Agreement begins with the issuance of the obligations, or the first day of the month after the new facility is placed in service and continues through June 30, 2032; the Agreement provides that participating localities will indemnify and hold harmless the Roanoke Valley SPCA, and the organization will indemnify and hold harmless the participating localities, for negligent or willful acts of omission or commission committed by the other party; and the Roanoke Valley SPCA will be the property owner and construction manager, with a development and construction period estimated at 12 - 18 months and a summer 2003 completion date.

It was noted that the Roanoke Valley SPCA contemplates a financing through issuance of bonds by the Botetourt County Industrial Development Authority; the Botetourt Industrial Development Authority adopted a resolution authorizing issuance of industrial development revenue bonds, in an amount not to exceed \$3.8 million, which authorization is subject to concurrence of City Council since the facility will be located in the City of Roanoke; City of Roanoke appropriations will be addressed in the fiscal year 2003 budget; a joint partnership assists in accomplishing the goals of all parties, because if each locality tried to build and operate separate facilities, costs would be prohibitive; and the City's Purchasing Manager has determined that the Roanoke Valley SPCA is the only source practicably available to perform pound facility services.

The City Manager recommended that Council concur in the determination of the City's Purchasing Manager on the sole source issue and that she be authorized to enter into the Services Agreement, the form of which shall be approved by the City Attorney, with the Roanoke Valley SPCA, the Town of Vinton, Botetourt County and Roanoke County; and that Council concur in the resolution adopted by the Industrial Development Authority of the County of Botetourt approving the loan by the Authority to benefit the Roanoke Valley SPCA.

Mr. Bestpitch offered the following resolution:

(#35657-111901) A RESOLUTION authorizing and providing for an agreement between the City of Roanoke and the Roanoke Valley Society for the Prevention of Cruelty to Animals ("RVSPCA") relating to construction and operation of a new pound facility by the RVSPCA, and concurring with the determination of the City's Purchasing Manager that the RVSPCA is the only source practicably available to perform such services.

(For full text of Resolution, see Resolution Book No. 65, page 281.)

Mr. Bestpitch moved the adoption of Resolution No. 35657-111901. The motion was seconded by Ms. Wyatt.

Mr. Geoffrey Campbell, 780 Tinker mill Road, Daleville, Virginia, advised that out of hundreds of proposed new construction facilities throughout the United States, the Roanoke Valley's proposed facility is the only facility that does not include provisions for a spay/neuter clinic. He stated that without an aggressive spay/neuter program, taxpayers will be faced with ever escalating costs for animal control (chasing, catching, housing and disposing of stray animals); and without an aggressive spay/neuter program, the number of dogs and cats killed annually in the Roanoke Valley's shelter will continue to increase. He advised that the pet population in the United States has doubled since the 1960's; in the Roanoke Valley, over 31,000 animals have been put to death in the past ten years; collectively, the City of Roanoke and the surrounding localities spend \$1 and \$1.2 million for animal control to collect and dispose of animals and their unwanted offspring, and total cost to taxpayers in collateral expenses (dog bites, police calls, community health issues, etc.,) remains hidden. He stated that a solution to the problem is an aggressive spay/neuter clinic program; national statistics demonstrate that one dollar spent on spay/neuter saves nine dollars in animal control costs; and most states, including the Commonwealth of Virginia, require that all adopted animals from shelters and pounds be altered and they provide funds or sanctions for non-compliance.

**Resolution No. 35657-111901 was adopted by the following vote:**

**AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.**

**NAYS: None-----0.**

**Mr. Bestpitch offered the following resolution:**

**(#35658-111901) A RESOLUTION concurring in the resolution adopted by the Industrial Development Authority of the County of Botetourt, Virginia (the “Botetourt Authority”) and approving the loan by the Botetourt Authority for the benefit of the Roanoke Valley Society for the Prevention of Cruelty to Animals, Inc., (the “RVSPCA”) to assist in acquiring, constructing, and equipping a regional animal pound facility (the “Project”).**

**(For full text of Resolution, see Resolution Book No. 65, page 282.)**

**Mr. Bestpitch moved the adoption of Resolution No. 35658-111901. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.**

**NAYS: None-----0.**

**BONDS/BOND ISSUES-BUDGET-ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that at its work session on November 5, 2001, Council directed the City Manager to develop a funding scenario and time line for the design process for the Roanoke Civic Center Expansion and Renovation Project-Phase II of \$14,941,020.00; it is the goal of the City administration that bonds will eventually be issued to fund the project; the time schedule for the architect/engineer selection process, design and documentation work, and award of the construction bid is estimated at 13 months; estimated funding required in order to complete this portion of the project is \$850,000.00; due to the urgent nature of the project, certain funding sources have been identified that could be reallocated to provide the necessary funding to begin the design process immediately; and should bonds be issued at a later date, proceeds from such bond issue would be used to offset these funding sources.**



The City Manager recommended that Council appropriate \$850,000.00 to a new capital account to be established by the Director of Finance entitled, "Civic Center Expansion and Renovation Project-Phase II," from the following sources:

Civic Center Retained Earnings	\$265,000.00
1999 Bonds Designated for Civic Center	
Repairs/Improvements	85,000.00
Capital Improvement Reserve-Streets and Bridges	300,000.00
CMERP funding in 001-530-4210-9132	<u>200,000.00</u>
	\$850,000.00

It was further recommended that Council adopt a resolution indicating the City's intent to reimburse itself from the proceeds of General Obligation Public Improvements Bonds to be issued in the future.

Ms. Wyatt offered the following emergency budget ordinance:

(#35659-111901) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General, Civic Center, and Capital Projects Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 283.)

Ms. Wyatt moved the adoption of Ordinance No. 35659-111901. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Bestpitch offered the following resolution:

(#35660-111901) A RESOLUTION declaring the City's intent to reimburse itself from the proceeds of its general obligation public improvement bonds for certain moneys to be appropriated by the City for expenditures in connection with the Roanoke Civic Center Expansion and Renovation Project - Phase II; and providing for an effective date.

(For full text of Resolution, see Resolution Book No. 65, page 286.)

**Mr. Bestpitch moved the adoption of Resolution No. 35660-111901. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.**

**NAYS: None-----0.**

**PURCHASE/SALE OF PROPERTY-BONDS/BOND ISSUES-BUDGET-ARMORY/STADIUM-ROANOKE CIVIC CENTER:** The City Manager submitted a communication advising that at its meeting on May 21, 2001, Council authorized the City Manager to begin negotiations for acquisition of property across Orange Avenue from the Roanoke Civic Center for the purpose of constructing a multipurpose Stadium/Amphitheater facility; the City has concluded negotiations on the property owned by Fred C. Ellis identified as Official Tax Nos. 2041817 and 2041816, in the amount of \$275,000.00; and funding in the amount of \$275,000.00 is currently available in Account No. 008-530-9758 from General Fund revenues; however, upon issuance of the Series 2002 Bonds, bond proceeds will actually be utilized to cover the expense.

The City Manager recommended that she be authorized to execute a contract for the purchase of Official Tax Nos. 2041817 and 2041816, in the amount of \$275,000.00, and that Council adopt a resolution indicating the City's intent to reimburse itself \$275,000.00 from the proceeds of the sale of Series 2002 General Obligation Public Improvement Bonds, in connection with acquisition of real property for the Stadium/Amphitheater Project, with the maximum amount of debt expected to be issued for the project to be \$16,200,000.00.

**Mr. Bestpitch offered the following emergency budget ordinance:**

**(#35661-111901) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 287.)**

**Mr. Bestpitch moved the adoption of Ordinance No. 35661-111901. The motion was seconded by Mr. Carder.**

**Upon question, it was noted that the property is assessed at \$37,000.00;**

however, the City Manager advised that no outside appraisal or independent appraisal of the property was conducted. She stated that Council authorized engagement of the services of a real estate organization to serve as the City's agent in approaching owners in the area with regard to the availability of the property for sale and the general terms under which they would be willing to sell their property. In response to a question raised by a Member of Council, the City Manager advised that this parcel of land, if approved by Council, would be the only piece of property that the City would need to purchase in order to consummate the compilation of 21 acres which is actually three acres more than was envisioned for the activity. She stated that property currently owned by the City, as well as certain property to be donated to the City, will be used for the project, and it is not unusual for the City to pay more than the assessed value of property which is not to suggest that the assessed value is incorrect, but once it becomes known that the City is interested in purchasing a parcel of land, there is a natural tendency to experience an increase in the cost.

Ordinance No. 35661-111901 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following resolution:

(#35662-111901) A RESOLUTION declaring the City's intent to reimburse itself from the proceeds of its general obligation public improvement bonds authorized to be issued pursuant to Resolution No. 35489-080601, adopted August 6, 2001, for the purpose of providing funds to pay the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for the City, which includes acquisition of real property for the Stadium/Amphitheater Project; and providing for an effective date.

(For full text of Resolution, see Resolution Book No. 65, page 288.)

Mr. Carder moved the adoption of Resolution No. 35662-111901. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

**NAYS: None-----0.**

**Mr. Bestpitch offered the following ordinance:**

**(#35663-111901) AN ORDINANCE authorizing the City Manager to enter into a sales contract providing for the acquisition of certain property needed in connection with the proposed construction of a multipurpose stadium/amphitheater; establishing the consideration to be paid by the City; and dispensing with the second reading of this ordinance by title.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 289.)**

**Mr. Bestpitch moved the adoption of Ordinance No. 35663-111901. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.**

**NAYS: None-----0.**

**BUDGET-DONATIONS/CONTRIBUTIONS-LANDMARKS/HISTORICAL PRESERVATION-GRANDIN THEATER: The City Manager submitted a communication advising that the Grandin Theater opened in the early 1930s and closed in 1976; Mill Mountain Theater then held performances at that location prior to moving to Center in the Square in 1983; a year later, the Grandin Theater reopened as a movie house, but closed in late 1985 due to financial difficulties; in 1986, the Grandin Theater was purchased by the Lindsey family, refurbished, and reopened as a commercial movie house; the Theater once again began experiencing financial difficulty in 2000 because of market pressures, dramatic changes within the theater business, and the high cost of needed capital improvements; in November 2000, the current owner, Ms. Julie Hunsaker, made a public appeal for enhanced public support of the theater, and as a direct result, the Grandin Theater Foundation, Inc., was formed by concerned civic leaders and art patrons.**

**It was further advised that a Foundation plans to purchase the Grandin Theater from the current owner at a cost of \$402,000.00 and operate the theater as a self-supporting business; in addition, the Foundation plans to make long overdue, market-critical improvements to the facility at a cost of \$825,000.00 (new wiring, projection and sound equipment, seating, and refurbished bathrooms); operations of the theater would be supervised by its long-time general manager, Kathy Johnston, and the current owner, Julie Hunsaker, would be contractually retained for**

two years to assist with booking and marketing; the Foundation's Business Operations Committee will monitor theater activities on a weekly basis; the new theater's pro forma budget projects annual income of \$518,000.00 and annual expenses of \$471,829.00, for a net profit of \$46,171.00; to fund purchase and renovation costs of the theater, the Foundation is seeking public and community financial support, and has specifically requested a total of \$500,000.00 in City funding, \$100,000.00 within the next ten days and \$80,000.00 per year for five fiscal years beginning with fiscal year 2003.

It was explained that the Grandin Theater is Roanoke's last historic movie theater and is the only theater of its kind left in the region; it is considered to be a critical anchor in the Grandin Village community, contributing greatly to the quality of life and providing an important community venue for speakers, music and classes; the creation or retention of village centers like Grandin Village is a key strategy in the Vision 2001 Comprehensive Plan recently adopted by Council; and a contractual agreement with the Foundation has been prepared for consideration by Council containing the following general conditions:

The Grandin Theater will continue to be operated as a movie theater, unless the City agrees otherwise in writing;

The Foundation will pay real estate taxes on the Grandin Theater, as assessed by the City;

Funds requested by the Foundation will be used solely for acquiring, renovating and equipping of the Grandin Theater, and will not be expended in the operation of the theater;

The Foundation will not request any additional City financial support to subsidize operations of the theater;

City funds are to be matched with private funds raised by the Foundation; and

If the theater is sold or conveyed by the Foundation to other than a non-profit entity that will operate it as a theater, the Foundation will repay to the City 50% of funds donated to the Foundation.

The City Manager recommended that she be authorized to execute a contractual agreement with the Grandin Theater Foundation, Inc., to provide total financial support of \$500,000.00 to the Foundation over a six year period, with

**\$100,000.00 to be provided from the following sources at the execution of the agreement, and subject to certification that the Foundation has raised an equal amount, and \$80,000.00 will be budgeted annually from General Fund revenues for five years, beginning with fiscal year 2003, subject to annual appropriation:**

<b>Undesignated Capital Funds</b>	<b>\$97,000.00</b>
<b>Capital Improvement Reserve - Buildings</b>	<b>3,000.00</b>
<b>(Account 008-052-9575-9173)</b>	

**Mr. Carder offered the following emergency budget ordinance:**

**(#35664-111901) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 290.)**

**Mr. Carder moved the adoption of Ordinance No. 35664-111901. The motion was seconded by Mr. White.**

**Edward Walker, representing the Grandin Theater Foundation, advised that the Theater's financial records are in excellent condition which enabled him to reach certain historical averages. He stated that the day of the small independent theater is over because profit margins are thin and it is unlikely that investors will participate in that type of enterprise. He advised that if placed in a non-profit mode, under non-profit leadership, and taking advantage of non-profit benefits such as tax deductible contributions from the public, it appears that the Grandin Theater could net between five and ten per cent. He stated that the Grandin Theater is important as an economic asset to the Grandin Road community because it anchors approximately \$5 million worth of commercial real estate in the area.**

**Ms. Marguerite Garman, 2241 Memorial Avenue, S. W., spoke in support of keeping the Grandin Theater open.**

**Ms. Sarah Hazelgrove, 2421 Crystal Spring Avenue, S. W., spoke in support of keeping the Grandin Theater open. She stated that the theater is a popular and unique facility because it promotes a variety of works and it is a Roanoke landmark, thereby playing a major role in the popularity and prosperity of the Grandin Road area. She noted that Roanoke takes pride in its historical landmarks such as the Farmers' Market, the City Market Building, the Virginia Museum of Transportation and the Hotel Earle, and requested that the Grandin Theater be added to the list of City landmarks.**

**Ms. Anne Trinkle, Member of the Grandin Theater Foundation and Co-Chair of Fund-Raising for the Foundation, 2855 South Jefferson Street, spoke in support of keeping the Grandin Theater open. She stated that significant historical value will be lost if the Grandin Theater is closed.**

**The City Attorney was requested to review certain revisions to the proposed contract between the City and the Grandin Theater Foundation which were made in response to suggestions offered by the Members of Council. He explained that the original proposal stated that during the first five years of the agreement, if the Foundation were to sell the Grandin Theater to some entity other than a non-profit organization that would continue to operate the facility as a theater, the Foundation would repay to the City 50 per cent of the funds donated by the City up to that time, minus any credit for admissions taxes paid through that date. He stated that that provision has now been changed, language relative to the admissions taxes has been stricken, and the amount of repayment would be 50 per cent of funds derived from the sale of the theater after deducting any capital costs incurred or any operating expenses that had not been paid off. He explained that other changes were relatively minor.**

**Council Member Harris commended the agreement to Council and advised that as an individual who lives and works in the Grandin Road area, keeping the Grandin Theater open is critical to maintaining the vibrancy of the neighborhood's commercial district.**

**Mr. Bestpitch inquired if the Grandin Theater is sold or conveyed and expenses, capital and operating, are paid off and there are remaining funds after the City receives its 50 per cent, what happens to the other 50 per cent. In the event of that situation, he stated that the agreement should be worded in such a way that would enable citizens to have their money returned if possible.**

**Under the scenario described by Mr. Bestpitch, Mr. Walker responded that he would recommend a kind of mechanism that would either return the funds to the public good or to a cultural institution/non-profit organization. He stated that it would be almost impossible to return contributions on a percentage basis, however, the City should rest assured that the Foundation does not wish to retain the 50 per cent under the scenario described by Mr. Bestpitch.**

**Mr. Bestpitch requested suggestions from the City Attorney for incorporating Mr. Walkers' response into the agreement; whereupon, the City Attorney advised that when a non-profit organization has its articles of incorporation approved by the**

Commonwealth of Virginia, the organization is governed by specific provisions in the event of dissolution of assets of the corporation.

In response to a question raised by the Mayor as to whether the Foundation would be willing to return remaining funds in their entirety to the City, Mr. Walker advised that the Foundation would not contemplate returning 100 per cent of the money to the City.

The Mayor advised that the agreement should be worded more strongly. He stated that he could support the agreement only if the City pays a reasonable price because he does not deem a closed theater to be worth three times its market value. He stated that personally, he would like to save the Grandin Theater and will be making his personal contribution, but he could not support the agreement presently before Council on the basis that it does not represent a sound business decision.

Ordinance No. 35664-111901 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Harris  
-----6.

NAYS: Mayor Smith-----1.

Mr. Bestpitch offered the following ordinance:

(#35665-111901) AN ORDINANCE authorizing the City Manager to enter into an Agreement with Grandin Theater Foundation, Inc., to provide for funding by the City in an amount up to \$500,000.00 for the acquisition and renovation of the Grandin Theater in the Grandin Village area of the City, upon certain terms and conditions to provide benefits and services to the residents of the City and Southwestern Virginia; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 291.)

Mr. Bestpitch moved the adoption of Ordinance No. 35665-111901. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Harris  
-----6.

NAYS: Mayor Smith-----1.



## **REPORTS OF COMMITTEES:**

**COUNCIL-LEGISLATION:** Council Member William White, Sr., Chair, Legislative Committee, presented a report of the Committee advising that on October 29, 2001, Council's Legislative Committee met to review the proposed 2002 Legislative Program; whereupon, he recommended the program to Council for favorable action. Mr. White also advised that the School Board's portion of the Program was approved on November 13, 2001.

**The Legislative Program includes the following components:**

**Items included in the proposed 2002 Legislative Program include:**

- City Charter Amendments**
- Education Funding**
- Roanoke Civic Center, Amphitheater and Stadium Improvements**
- Funding**
- Civic Facilities Competitiveness**
- TransDominion Express**
- Inspection of Rental Properties**
- Support for Virginia First Cities Coalition**
- First Cities Legislative Initiatives**

**School Board Priorities:**

**The major legislative priorities of the Roanoke City School Board are for the State to:**

**Improve its share of funding public education based on the results of the JLARC study;**

**Provide incentives for the recruitment and retention of teachers and principals;**

**Maintain local governance over K-12 educational and administrative issues;**

**Continue to support standards and consequence for school accreditation that are non-punitive in nature;**

**Address student safety and discipline issues through additional funding and program support; and**

**Enhance the State's support of school outlay projects through a permanent funding source for school construction and debt requirements.**

**Legislation the City Would Support:**

**Blight Related Remedies  
Regional Competitiveness Act Funding  
Aircraft Taxation and Incentives  
Research and Development Tax Credit  
Telecommunications Tax Collections**

**Policy Positions:**

**Commissions to Study Local Government Needs  
State Support for Cultural Agencies and Activities  
Mental Health Funding  
Transportation (Including Mass Transit) Funding  
Interstate 73  
Dangerous Weapons on Public Property  
Standards for Adult Homes  
Zoning Districts  
Redevelopment Initiatives**

**General Policy Considerations:**

**The Federal and State governments should recognize that local governments are the best vehicles for the delivery of many services to the public because local governments are closest to the people and the most responsive. Roanoke remains concerned with the cumulative effort of Federal and State legislative and regulatory mandates that have stressed the serious financial problems of local governments. It is essential that the State fully fund all State mandates, including public employee salaries.**

**Roanoke is vitally concerned over the continued erosion of local revenue sources. The General Assembly is urged to leave the taxing authority and revenue sources of local government alone. Additionally, the State should pay a greater share of the costs of education and other services.**

**City Council calls upon the Governor and the General Assembly to develop an economic development strategy for the Commonwealth and its local governments. The strategy should include special programs for those areas**

west of the Blue Ridge Mountains and central cities across the Commonwealth. Tourism and convention activities that enhance the economic well being of the State and its political subdivisions should be recognized as legitimate components of economic development.

The School Board's Legislative Program-FY2002-2004 Biennium addressed such issues as State standards, legislative issues and priorities, Standards of Learning, Pupil Services, Construction and Technology, School Governance, and Governor's School Program.

Mr. White offered the following resolution:

(#35666-111901) A RESOLUTION adopting and endorsing a Legislative Program for the City to be presented to the City's delegation to the 2002 Session of the General Assembly.

(For full text of Resolution, see Resolution Book No. 65, page 292.)

Mr. White moved the adoption of Resolution No. 35666-111901. The motion was seconded by Mr. Hudson.

Mr. Bestpitch called attention to that portion of the Legislative Program regarding I-73. He stated that the same statement has been included in the Legislative Program for several years, even though Council has gone on record on two occasions expressing concerns in regard to the route selected by the Commonwealth Transportation Board for I-73. He suggested that Council either amend the item relating to I-73 to reflect Council's concern, or delete the paragraph in its entirety from the Legislative Program.

Mr. Harris and Ms. Wyatt concurred in Mr. Bestpitch's comments since the statement regarding I-73 is generic in nature and is not reflective of the Council's actions regarding I-73 as the subject has unfolded and developed with the Virginia Department of Transportation.

Mr. White and Mr. Carder clarified that the Legislative Committee previously agreed to delete I-73 language from the proposed 2002 Legislative Program; therefore, no reference to I-73 should be included.

Mr. Hudson called attention to the item addressing dangerous weapons on public property which could present a problem at the General Assembly level insofar as approval of the City's proposed Charter amendments.

The Mayor advised that last year, the City submitted certain proposed City Charter amendments to the General Assembly which were intended to correct out dated and sometimes archaic language, but because language was included with regard to regulating dangerous weapons on public property, the proposed Charter amendments were not approved by the General Assembly. He stated that if the City's current proposed City Charter revisions include regulation of dangerous weapons on public property, it is conceivable that the proposed Charter amendments will not be approved by the General Assembly at its 2002 session.

With regard to I-73, the Mayor advised that it would be in the City's best interest to be totally supportive of I-73; however, he could support the deletion of any reference to I-73 in the proposed 2002 Legislative Program.

Ms. Wyatt spoke in support of including the item prohibiting dangerous weapons on public property in the City's proposed Legislative Program. She stated that the City should go on record that only police officers should be allowed to carry dangerous weapons on City property.

Mr. Harris moved that the 2002 Legislative Program for the City of Roanoke be adopted with the deletion of language relating to I-73. The motion was seconded by Mr. Bestpitch and adopted, Mayor Smith voted no.

Resolution No. 35666-111901 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, and Harris  
-----6.

NAYS: Mayor Smith-----1.

UNFINISHED BUSINESS: None.

#### INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

COUNCIL: Ordinance No. 35624, establishing the salary of the Mayor at \$18,000.00 per year and the Vice-Mayor and Council Members salary at \$14,490.00 per year, having previously been before the Council for its first reading on Monday, November 5, 2001, read and adopted on its first reading and laid over, was again before the body, Mr. Bestpitch offering the following for its second reading and final adoption:

**(#35624-111901) AN ORDINANCE establishing the annual salaries of the Mayor, Vice-Mayor and Council Members for the fiscal year beginning July 1, 2002.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 257.)**

**Mr. Bestpitch moved the adoption of Ordinance No. 35624-111901. The motion was seconded by Mr. White and adopted by the following vote:**

**AYES: Council Members White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----6.**

**NAYS: Council Member Hudson-----1.**

**MOTIONS AND MISCELLANEOUS BUSINESS:**

**INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:**

**BUDGET-CITY EMPLOYEES-PENSIONS:** Inasmuch as Social Security benefits will increase by 2.6%, effective January 1, 2002, following discussion generated by Mr. White, it was the consensus of Council that the question of a 2.6% cost of living increase for City retirees be referred to the City Manager and the Director of Finance for report and recommendation to Council during fiscal year 2002-03 budget study.

**CITY EMPLOYEES-ROANOKE CIVIC CENTER:** Council Member Hudson inquired about the status of the flu vaccine for City retirees. He questioned the proposed locations for administering the vaccine and suggested the Roanoke Civic Center as a potential site.

**INSURANCE-BUDGET-CITY EMPLOYEES:** Council Member Wyatt renewed a previous inquiry regarding the status of prescription cards and/or contracting with local pharmacies to provide medications for City employees at a reduced cost.

**FIRE DEPARTMENT:** Council Member Bestpitch referred to updates provided by the City Manager on the Fire/EMS Agreement with Roanoke County. He raised the following questions for response during fiscal year 2002-03 budget study:

1. Inasmuch as the typical assignment for a fire engine, ladder truck, etc. is four personnel, how often are there fewer than the full number of assigned personnel actually available to staff equipment?

2. How often are paid staff, either part-time or full-time, used to man the volunteer rescue service, and how many are part-time staff receiving no benefits?

**CITY COUNCIL-CITY EMPLOYEES:** Council Member Hudson expressed concern that the City's supply warehouse function has been discontinued which causes City employees to leave the job site to purchase supplies commercially.

**CITY MANAGER COMMENTS:**

**CITY MANAGER:** The City Manager advised that during the course of several agenda items, statements were made that the City Manager and staff under the jurisdiction of the City Manager may not be cooperating with other Council-Appointed Officers. She stated that during her tenure as City Manager, Council-Appointed Officers have worked cooperatively with the City Manager's staff to approve agenda items relative to both financial and legal issues, and she has worked with the Municipal Auditor to identify any needed improvements within the organizational structure.

At this point, RVTv-Channel 3 coverage of the City Council meeting was concluded.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred, without objection by Council, for response, report and recommendation to Council.

**TRAFFIC-ROANOKE CIVIC CENTER:** Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., commended the City for reopening the underpass at the Roanoke Civic Center which relieves traffic congestion on Williamson Road and Orange Avenue.

**COUNCIL:** Ms. Helen E Davis, 35 Patton Avenue, N. E., expressed concern with regard to matters effecting the northwest section of the City of Roanoke, i. e.: rejection by the Housing Authority of requests by residents of Lincoln Terrace for screen doors on their homes, fire protection, and a proposal regarding the future of the Burrell Nursing Center. She requested that Council look at the entire City and not just the northwest section of Roanoke.

At 5:50 p.m., the Mayor declared the Council meeting in recess to be immediately reconvened in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, for a briefing on the extension of the linear railwalk; and a follow-up briefing on the Roanoke Central Business District Parking Study.

**The City Council meeting reconvened at 6:00 p.m., in Room 159, Emergency Operations Center Conference Room, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Smith presiding and all Members of the Council in attendance.**

**RAILSIDE LINEAR WALK:** Representatives of the Roanoke Valley Garden Club briefed the Members of Council on a project in connection with the railside linear walkway which is intended to beautify downtown Roanoke in the area of the Virginia Museum of Transportation. They reviewed a sketch which was prepared by Hayes, Seay, Mattern & Mattern detailing the proposed improvements, which are estimated to cost in the range of \$150,000.00, and will provide the link from Warehouse Row to the Transportation Museum. They requested authorization by Council to proceed with a fund-raising project for completion of this phase of the railwalk project. It was noted that the Roanoke Valley Garden Club is prepared to commit approximately \$12,000.00 to a non-profit fund which will be earmarked for the proposed beautification project.

**The City Manager advised that if there is general agreement on the part of Council to allow the right-of-way to be used in this fashion, the Roanoke Valley Garden Club could begin marketing and fund raising efforts for this last piece of the property.**

**It was noted that Council was not meeting in official session; however, it was the consensus of Council, informally, to support the request for fund raising by the Roanoke Valley Garden Club for linear rail walk beautification from Warehouse Row to the Virginia Museum of Transportation.**

**TRAFFIC-CONSULTANTS' REPORTS:** A representative of Wilbur Smith Associates presented a summary of the Roanoke CBD Parking Study, dated November 19, 2001.

**The Executive Summary pointed out that considerable development and change has occurred in recent years in the downtown Roanoke area; roadway changes have included the upgrading of Wells Avenue and Gainsboro Road and the two-way operation of several blocks of Salem and Campbell Avenues; developments have included the Hotel Roanoke and Conference Center, First Union Tower and the Higher Education Center; and significant new development is in various stages of planning and development.**

**The study was undertaken to assess the changing parking needs of the downtown area of Roanoke, including the Gainsboro neighborhood to the north, and the Old Southwest neighborhood generally south and west of the CBD area; the study quantifies existing and projected parking needs and includes**

recommendations to address identified shortfalls; and solutions are presented which are sensitive to impacts on the residential neighborhoods.

A parking chart was presented summarizing parking supply and demand encompassing the Gainsboro, CBD and Old Southwest areas, showing a total supply of 14,428 parking spaces, a demand for 11,779 spaces and a surplus of 2,649 spaces. Current parking supply within the study area consists of 456 Gainsboro spaces, 9,364 downtown spaces and 4,608 Old Southwest spaces.

Demand within the block of the study area reflects peak accumulation of parked vehicles and existing land use. With an inventory of 14,428 parking spaces and a demand for 11,779 spaces, a surplus of 2,649 spaces exist in the Roanoke area. It is important to note that this surplus represents a picture of the study area as a whole, and does not mean that there are not any parking shortages in the smaller sub-area.

Numerous proposed developments are expected to take place within the next five years. Both the Gainsboro and Old Southwest areas will have limited expansion; however, the downtown area anticipates considerable growth in the near future. Major developments in the downtown area alone include: the Yard at Henry Street (a mixed land use development plan being undertaken by the Roanoke Neighborhood Development Corporation), a higher education center, an apartment complex, further business expansion for the Hotel Roanoke and Conference Center and a new fire station among numerous other projects. Using a combination of parking needs resulting from the above mentioned growth and existing parking demand, a basis is established on which future parking demand estimates can be made.

A review of the future parking supply and demand for Gainsboro, CBD and Old Southwest indicate a supply totaling 14,438 parking spaces, a demand for 12,974 and a surplus of 1,464. The parking summary indicates four areas of deficiency: downtown 1 area (221 spaces), downtown 2 area (36 spaces), downtown 3 area (90 spaces) and Old Southwest 4 area (261 spaces). A significant surplus reduction also occurs in Old Southwest Area 1, which changes from a surplus of 273 spaces today to an 89 space projected surplus in 2005. Surplus spaces are seen in the downtown 3 area and the Old Southwest 1 area, with various blocks lying on the east and center having significant numbers of excess spaces. However, large deficiencies also occur, with the Old Southwest 4 area having a projected 312 space deficit.

#### **Alternative Parking Strategies:**

A variety of parking strategies were considered for Roanoke; i.e.: increase parking supply, residential permit parking programs, preferential parking for car and van pools, reduced minimum parking requirements, parking maximums, shared parking, area wide parking



caps, fringe parking and park and ride lots, time-based pricing, vehicle occupancy pricing, enforcement and marketing.

#### **The Recommended Parking Plan:**

Parking shortages in several of the core downtown areas are anticipated if parking conditions are not addressed. Downtown Roanoke is similar to many downtown areas in that parking shortages exist in areas of high demand, but the downtown, as a whole, has surplus parking.

This suggests that an appropriate approach is to provide some additional parking in these targeted high demand areas, while also better utilizing existing surplus parking. Generally, the highest priority for providing additional parking is the areas that short term parking demand – shoppers, visitors, etc. - is greatest. The better utilization of existing surplus parking, generally in areas adjacent to higher demand blocks, is most appropriate for long term (i.e. employee) parkers who tend to be willing to walk several blocks to their place of employment.

Residential parking permit programs, which entail the prevention of long term parking by commuters in residential communities have been very popular from their offset in the 1970's. For the Roanoke area, numerous subsections could be viable candidates for such program implementation. However, surpluses suggest disadvantages could outweigh advantages in this case.

Among some of the more realistic possibilities for parking solutions is the shared parking approach. This involves minimizing needs through utilization of existing and new parking facilities. This program allows two or more proximal developments to meet local zoning requirements while constructing fewer total parking spaces than would be required if the two developments were treated separately. Conditions allowing such an arrangement to take place are: close proximity to each participating facility, time periods of operation not conflicting, and legal enforceability. Enhanced parking conditions, increased user supply and availability in addition to increased convenience would be the results of such a plan.

#### **Recommendations for Specific Areas Include:**

Downtown 1 area - The Yard at Henry Street is projected to need additional parking (which currently is being planned). Parking charges

will need to be minimal, otherwise, drivers will park in the adjacent neighborhood.

**Downtown 2 area - A deficit of 36 spaces, associated with the proposed Railroad Station Visitor Center, suggest the need to acquire use of an additional 40 spaces.**

**Downtown 3 area - A garage structure, ideally in the former Heironimus Building area, is needed to meet future shortages. This structure could serve the entire core commercial area of the CBD.**

**Old Southwest 1 area - The YMCA expansion should include additional parking ensuring adequate parking supply in the area.**

**Old Southwest 4 area - It is assumed that the development of the College of Health Sciences Building Office Building will be responsible for ensuring parking supply equals demand.**

**Neighborhood Parking - Residential areas adjacent to commercial areas should be periodically reviewed for parking spillover. Simple parking surveys can be conducted to quantify any spillover. Measures such as increased enforcement, parking restrictions and permit parking can be considered.**

**Suggested Initial Strategic Steps to Take:**

**Ensure that Jefferson Street development involving the Heironimus Building area includes additional parking to serve commercial/retail core area;**

**More aggressively pursue a shared parking program, taking advantage of available parking in the downtown core, within walking distance for employees; and**

**Set up a process for evaluating residential area parking concerns.**

**Following discussion and questions by the Mayor and Members of Council, at 6:35 p.m., the Mayor declared the meeting in recess until 7:00 p.m., in the City Council Chamber.**

**On Monday, November 19, 2001, at 7:00 p.m., the Roanoke City Council reconvened in regular session in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.**

**PRESENT:** Council Members W. Alvin Hudson, Jr., William White, Sr., Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris, and Mayor Ralph K. Smith-----7.

**ABSENT:** None-----0.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Council Member C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

**PUBLIC HEARINGS:**

**TAXES-YOUTH:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, November 19, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the Boys and Girls Clubs of Roanoke Valley, Inc., for designation of property identified as Official Tax Nos. 4240101 and 4240105, located at 1714 9<sup>th</sup> Street, S. E., to be exempted from taxation, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, November 9, 2001 and in The Roanoke Tribune on Thursday, November 15, 2001.

The City Manager submitted a communication advising that the Boys and Girls Clubs of Roanoke Valley, Inc., owns property described as Official Tax Nos. 4240101 and 4240105, located at 1714 9<sup>th</sup> Street, S. E.; the property will be used for the purpose of housing administrative offices and providing daily after school and summer activities for youth members in the southeast quadrant of the City; annual taxes due for fiscal year 2001-02 are \$6,491.54, with an assessed value of \$82,900.00 for the land and \$453,600.00 for the building; the Boys and Girls Clubs petitioned Council in October 2001, for adoption of a resolution in support of the organization obtaining tax-exempt status from the General Assembly; and the organization has voluntarily agreed to pay a 20% service charge in lieu of real estate taxes per Council's current policy.

It was further advised that the Boys and Girls Clubs of Roanoke Valley, Inc., currently receive financial support from the City in the amount of \$3,000.00 from the Human Services Committee and \$13,642.00 in Community Development Block Grant funds; loss of revenue to the City will be \$5,193.21 after a 20% service charge is levied in lieu of real estate taxes in the amount of \$1,298.33; the Commissioner of the Revenue has determined that the organization is not exempt from paying real estate taxes by classification or designation under the Code of Virginia and the Internal Revenue Service recognizes the organization as a 501(c)3 tax-exempt organization.

The City Manager recommended that Council support the Boys and Girls Clubs of Roanoke Valley, Inc., exemption from taxation to the General Assembly, pursuant to Article X, Section 6(a)6 of the Constitution of Virginia.

Mr. White offered the following resolution:

(#35667-111901) A RESOLUTION supporting tax exemption of certain property in the City of Roanoke owned by the Boys & Girls Clubs of Roanoke Valley, Inc.; and used by it exclusively for charitable or benevolent purposes on a non-profit basis.

(For full text of Resolution, see Resolution Book No. 65, page 293.)

Mr. White moved the adoption of Resolution No. 35667-111901. The motion was seconded by Ms. Wyatt.

The Mayor inquired if there were persons present who would like to address Council with regard to the request. There being none, Resolution No. 35667-111901 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

TAXES: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, November 19, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of United Human Services Transportation System, Inc., for designation of property identified as Official Tax Nos. 1311221, 2410101, 2410301 - 2410306, inclusive, to be exempted from taxation, the matter was before the body.

**Legal advertisement of the public hearing was published in The Roanoke Times on Friday, November 9, 2001 and in The Roanoke Tribune on Thursday, November 15, 2001.**

**The City Manager submitted a communication advising that the Unified Human Services Transportation System, Inc., which transacts business as RADAR, owns the property known as Official Tax Nos. 1311221, 2410101, 2410301 through 2410306, inclusive; property includes housing of administrative offices to provide an efficient and cost effective transportation system to the elderly, disabled, indigent, and other persons who may require the provision of specialized transportation; annual taxes due for 2001-02 were \$4,466.06 on an assessed value of \$214,500.00 for the land and \$154,600.00 for the building; RADAR petitioned Council in November 2001, for adoption of a resolution in support of the organization obtaining tax-exempt status from the General Assembly on property located in the City of Roanoke; loss of revenue to the City will be \$3,572.85, after a 20 per cent service charge is levied by the City in lieu of real estate taxes and the service charge will be \$893.21; the Commissioner of the Revenue has determined that the organization is not exempt from paying real estate taxes by classification or designation under the Code of Virginia; and the Internal Revenue Service recognizes the organization as a 501(c)3 tax-exempt organization.**

**The City Manager recommended that Council support the request of RADAR for exemption from taxation to the General Assembly, pursuant to Article X, Section 6(a)6 of the Constitution of Virginia.**

**Mr. Carder offered the following resolution:**

**(#35668-111901) A RESOLUTION supporting tax exemption of certain property in the City of Roanoke owned by the Unified Human Services Transportation System, Inc., and used by it exclusively for charitable or benevolent purposes on a non-profit basis.**

**(For full text of Resolution, see Resolution Book No. 65, page 295.)**

**Mr. Carder moved the adoption of Resolution No. 35668-111901. The motion was seconded by Mr. Hudson.**

**The Mayor inquired if there were persons present who would like to address Council with regard to the request; whereupon, Wilburn C. Dibling, Jr., Attorney, appeared before Council in support of the request of RADAR.**

**Mr. Bestpitch requested information on the precise location of the property requested for tax exemption; whereupon, Mr. Dibling advised that the garage and operations center are located on Salem Avenue, and RADAR has acquired property**

on Johnson Avenue and 30<sup>th</sup> Street, N. W., which are also included in the request for tax exemption. He stated that RADAR proposes to construct new facilities on Johnson Avenue, at which time the property on Salem Avenue would be sold and returned to the City's tax roles.

With regard to future requests for real estate tax exemption; Mr. Bestpitch requested that a street address be included in the application.

Ms. Wyatt expressed her intent to vote against the request of RADAR. In clarification, she stated that the services provided by RADAR should be from the client's personal residence to the RADAR vehicle and vice versa, in order to address the needs of a clientele requiring additional assistance. Upon submitting her proposal to RADAR, she explained that RADAR stated that the question relates to insurance/liability issues; however, RADAR has requested real estate tax exemption on its property which will provide an additional \$3,500.00, yet RADAR is unwilling to apply the additional funds toward insurance coverage for its clients.

The Mayor advised that he will support the request of RADAR; however, all persons/organizations should be responsible for paying their real estate taxes, and Council should use its discretion in authorizing rebates.

Resolution No. 35668-111901 was adopted by the following vote:

AYES: Council Members Hudson, White, Bestpitch, Carder, Harris, and Mayor Smith-----6.

NAYS: Council Member Wyatt-----1.

The Mayor declared the public hearing closed.

**ZONING:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, November 19, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of AMVETS-Post #40, John Harvey Memorial, to rezone property located at 917 Tazewell Avenue, S. E., identified as Official Tax No. 4112106, from RM-2, Residential Multi-family, Medium Density District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, November 2, 2001 and Friday, November 9, 2001, and in The Roanoke Tribune on Thursday, November 15, 2001.

**A report of the City Planning Commission advising that the purpose of the petition is to rezone the property for use as a parking lot for the adjacent AMVETS post, pursuant to the following conditions, was before Council:**

- 1. That the property will be developed in substantial conformity with the concept plan prepared by David A. Bess, L.L.C., dated August 29, 2001, subject to any changes required by the City during site plan review.**
- 2. There will be no curb cut where the property to be rezoned adjoins Tazewell Avenue, S. E.**
- 3. The Petitioner will retain the existing concrete retaining wall near the northerly boundary of the property to be rezoned.**

**The City Planning Commission recommended that Council approve the request for rezoning, subject to the proffered conditions.**

**Mr. Carder offered the following ordinance:**

**(#35669-111901) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 411, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 297.)**

**Mr. Carder moved the adoption of Ordinance No. 35669-111901. The motion was seconded by Mr. Hudson.**

**The Mayor inquired if there were persons present who would like to address Council with regard to the request; whereupon, James Joyce, Attorney, appeared before Council in support of the request of his client.**

**Mr. Earl Elkins, 921 Tazewell Avenue, S. E., appeared before Council in support of the request.**

**Mr. Bestpitch expressed concern that the City Planning Commission has presented its recommendation to Council on a four- three vote which should warrant**

close scrutiny by Council. He stated that City staff recommended denial of the request because it is not consistent with the City's Comprehensive Plan, it will encourage more off street parking in a village center, increase impervious surface, expand an excessively large surface parking lot, and expand commercial uses beyond a defined village center. He inquired if there is a way to provide a more suitable surface other than asphalt. He stated that there was considerable discussion regarding economic development, village centers, improving housing in neighborhoods, and limiting the amount of impervious surfaces to reduce water run off in the City's Comprehensive Plan. Although he appreciates the work of the AMVETS organization, he inquired as to when Council intends to become serious about implementing the Comprehensive Plan. He referred to the current availability of on street parking on 9<sup>th</sup> Street, 10<sup>th</sup> Street and Tazewell Avenue. He stated that it was his intent to vote against the rezoning in order to support not only the technical requirements of the Comprehensive Plan, but the vision for the Comprehensive Plan, the concepts that shape the Comprehensive Plan and the direction that is more advantageous for the City of Roanoke in the long term.

Ordinance No. 35669-111901 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Carder, Harris, and Mayor Smith-----6.

NAYS: Council Member Bestpitch-----1.

The Mayor declared the public hearing closed.

**ZONING:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, November 19, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of A. Victor Thomas, Dorothy L. Thomas, Annie B. Dudley and TLC Properties, Inc., to rezone properties on Orange Avenue, N. E., identified as Official Tax Nos. 3210101, 3210105 - 3210119, inclusive, and an undeveloped portion of Light Street, N. E., from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioners, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, November 2, 2001 and Friday, November 9, 2001, and in The Roanoke Tribune on Thursday, November 15, 2001.

A report of the City Planning Commission advising that the purpose of the request for rezoning is to place an existing convenience store in a conforming zoning district and allow for future expansion and development of the tract of land



for additional commercial uses which are undetermined at this time, was before Council.

The City Planning Commission recommended that Council approve the request for rezoning, inasmuch as the proposed zoning and future development is consistent with the Comprehensive Plan in that it will encourage appropriate commercial redevelopment at the intersection of Orange Avenue and 13<sup>th</sup> Street, N. E.

Mr. Bestpitch offered the following ordinance:

(#35670-111901) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet Nos. 321 and 322, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 299.)

Mr. Bestpitch moved the adoption of Ordinance No. 35670-111901. The motion was seconded by Mr. White.

W. F. Mason, Attorney, Jr., appeared before Council in support of the request of his clients.

The Mayor inquired if there were persons present who would like to address Council with regard to the request. There being none, Ordinance No. 35670-111901 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

**ZONING:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, November 19, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City Planning Commission to rezone properties located on Vinyard Avenue, N. E., described as Official Tax Nos. 7040601 - 7040606, inclusive, from LM, Light Manufacturing District, to RS-3, Residential Single Family District,

subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, November 4, 2001 and Saturday, November 10, 2001, and in The Roanoke Tribune on Thursday, November 15, 2001.

A report of the City Planning Commission advising that the purpose of the application is to rezone the lots to their existing residential use; said properties are currently used as single-family dwellings, but are zoned for light manufacturing purposes; and Official Tax No. 7040701 is vacant land, was before Council.

The City Planning Commission recommended that Council approve the request for rezoning, inasmuch as the area is inappropriately zoned for light manufacturing and should be zoned residential to reflect its existing land use.

Mr. White offered the following ordinance:

(#35671-111901) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 704, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 300.)

Mr. White moved the adoption of Ordinance No. 35671-111901. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to address Council with regard to the request. There being none, Ordinance No. 35671-111901 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

CITYCODE-ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, November 19, 2001, at 7:00 p.m., or as soon thereafter as the matter may be

heard, with regard to a proposed amendment of Section 36.1-397, Zoning, Code of the City of Roanoke (1979), as amended, by adding a new subsection (11) manufacturing establishments as a permitted use in the INPUD, Institutional Planned Unit Development District, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, November 2, 2001 and Friday, November 9, 2001, and in The Roanoke Tribune on Thursday, November 15, 2001.

A report of the City Planning Commission advising that the purpose of the proposed amendment is to allow for manufacturing establishments as a permitted use in the Institutional Planned Unit Development District (INPUD), was before Council.

The City Planning Commission recommended that Council approve the amendment to Section 36.1-397 of the Code of the City of Roanoke (1979), as amended, to allow for manufacturing establishments as a permitted use in the INPUD, inasmuch as the proposed amendment is consistent with the Vision 2001 Comprehensive Plan and would provide greater flexibility for applicants considering using the INPUD and address technological changes in the medical field.

Mr. Hudson offered the following ordinance:

(#35672-111901) AN ORDINANCE amending and reordaining §36.1-397, Permitted uses, Subdivision H, INPUD, Institutional Planned Unit Development District, Division 5, Special District Regulations, Article III, District Regulations, Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, by the addition of a new subsection (11) to allow manufacturing establishments as a permitted use in the INPUD, Institutional Planned Unit Development District; and dispensing with the second reading of the title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 302.)

Mr. Hudson moved the adoption of Ordinance No. 35672-111901. The motion was seconded by Mr. Harris.

Following discussion, it was the consensus of Council to delete the word “new” from §36.1-397 Permitted Uses, Subsection 11, Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended.

The Mayor inquired if there were persons present who would like to address Council with regard to the request. There being none, Ordinance No. 35672-111901 was adopted by the following vote:

AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

NAYS: None-----0.

The Mayor declared the public hearing closed.

**BUILDINGS/BUILDING DEPARTMENT-CITY PROPERTY-WESTERN VIRGINIA FOUNDATION FOR THE ARTS AND SCIENCES-IMAX THEATRE:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, November 19, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to conveyance of City-owned property, containing 0.858 acre, identified as Official Tax No. 4010205, to the Western Virginia Foundation for the Arts and Sciences for design, development and construction of a new building or complex to house the Art Museum and IMAX Theatre, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, November 9, 2001, and in The Roanoke Tribune on Thursday, November 15, 2001.

A report of the City Manager advising that an Agreement between the City and the Art Museum of Western Virginia for the design, development and construction of a new building or complex to house the Art Museum and IMAX Theatre was entered into on October 4, 2000; the City wishes to convey property containing 0.858 acre, identified as Official Tax No. 4010205 to the Western Virginia Foundation for the Arts and Sciences for construction of the project; and actual conveyance would not be made until such time as the Foundation certifies to the City that the Art Museum has a binding contract with a contractor to commence construction of the project, and that the property is needed for such purpose, was before Council.

The City Manager recommended, following the public hearing, that she be authorized to execute the appropriate documents to donate the property to the Western Virginia Foundation for the Arts and Sciences, such documents to be approved as to form by the City Attorney, with the Grantee to be responsible for all title work, surveying, plat preparation, and preparation of legal documents.

**Mr. Bestpitch offered the following ordinance:**

**(#35673-111901) AN ORDINANCE authorizing the City Manager to execute the necessary documents providing for conveyance for nominal consideration to Western Virginia Foundation for the Arts and Sciences that property owned by the City, bearing Official Tax No. 4010205, containing 0.858 acre, located between Norfolk and Salem Avenues and west of Market Street, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 303.)**

**Mr. Bestpitch moved the adoption of Ordinance No. 35673-111901. The motion was seconded by Mr. Carder.**

**The Mayor inquired if there were persons present who would like to address Council with regard to the matter. There being none, Ordinance No. 35673-111901 was adopted by the following vote:**

**AYES: Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.**

**NAYS: None-----0.**

**The Mayor declared the public hearing closed.**

**CITY CODE-LEGISLATION-ZONING: Pursuant to action of the Legislative Committee, the City Clerk having advertised a public hearing for Monday, November 19, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the City of Roanoke that the General Assembly of Virginia make certain amendments to the Roanoke Charter of 1952, as amended, in order to remove certain archaic language and outdated, outmoded and unnecessary provisions therein, to conform certain provisions in the Charter to current State enabling laws, to streamline the City's legislative process, to require that certain Council-Appointed officers reside within the City, to provide for the appointment of a deputy and assistant city managers, to increase the threshold for bidding and contracts for public improvements from thirty to fifty thousand dollars, to increase the threshold for change orders that must be approved by City Council from twenty-five thousand dollars to fifty thousand dollars or twenty-five per cent of the contract, whichever is greater, to increase the size of the City's Board of Zoning Appeals to seven members and to delete the requirement that the Board authorize special exceptions to the**

City's zoning ordinance, and, in general to make more efficient the operation of City government, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Thursday, November 8, 2001 and in The Roanoke Tribune on Thursday, November 15, 2001.

A report of the Legislative Committee advising that the Committee reviewed the proposed amendments to the City Charter and concurred in the scheduling of a public hearing in order to obtain the views of citizens on proposed amendments, was before Council.

The Legislative Committee recommended that Council adopt a resolution requesting the proposed amendments to the City Charter. It was noted that if Council concurs in and adopts the proposed resolution, State Code requires that the City forward the resolution and certain other documents to the City's legislative delegation, with the request that a bill be introduced in the 2002 Session of the General Assembly to amend the City Charter as proposed.

Mr. White offered the following resolution:

(#35674-111901) A RESOLUTION requesting the 2002 Session of the General Assembly to amend various sections of the existing Roanoke Charter of 1952 in order to modernize it, remove certain provisions and language therefrom and to provide in general for more efficient and effective legislative processes and municipal operations in the City.

(For full text of Resolution, see Resolution Book No. 65, page 304.)

Mr. White moved the adoption of Resolution No. 35674-111901. The motion was seconded by Mr. Bestpitch.

The Mayor inquired if there were persons present who would like to address the matter; whereupon, Joel M. Richert, Member, Board of Zoning Appeals, spoke in connection with deleting the requirement that the Board of Zoning Appeals authorize special exceptions to the City's Zoning Ordinance (page 72 of the proposed City Charter amendments), which, in effect, would abolish the authority of the Board to rule on special exceptions. She advised that members of the Board of Zoning Appeals are required by Council to participate in an intensive training course consisting of four days with 12 weeks of homework assignments on zoning cases.

She stated that Board members understand the intent of the Zoning Ordinance and are qualified to hear requests for special exceptions; and each zoning classification has certain permitted uses by law, however, special exceptions are sometimes permitted with a hearing and may be subject to certain conditions, or rejected as inappropriate. She explained that in order to protect adjacent property owners, a thorough knowledge of the City's Comprehensive Plan is important; in the year 2000, the Board of Zoning Appeals heard 53 special exception cases and each case lasted approximately 30 minutes; and there are instances when a special exception and a variance are both needed in the same case; therefore, it is appropriate that such cases be heard at the same time. She requested that her concerns be considered as a part of proposed City Code revisions which are currently in progress and in conjunction with a consultant's study of the Zoning Ordinance which is intended to address archaic language and recommend revisions.

There was discussion in which it was pointed out that the recommendation was the result of a report of a subcommittee composed of Vice-Mayor Carder, Council Member Wyatt, the City Manager, City Attorney and City Clerk with regard to restructuring of certain Council-Appointed authorities, boards, commissions and committees. The City Manager advised that a survey conducted by City staff revealed that in a majority of communities, members of the Board of Zoning Appeals are appointed by the Circuit Court; however, the Roanoke City Charter allows appointments to be made by City Council. She spoke in support of the abovereferenced proposed Charter amendment.

Following further discussion of the matter, Mr. Harris moved that the proposed City Charter amendments be amended on page 72 to retain the following language, thereby allowing the Board of Zoning Appeals to continue to hear special exceptions: "To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance." The motion was seconded by Mr. Carder and adopted, Mayor Smith voted no.

No other persons wishing to address Council, Resolution No. 35674-111901 was adopted by the following vote:

AYES: Council Members Hudson, Wyatt, Bestpitch, White, Harris, and Carder-----6.

NAYS: Mayor Smith-----1.

At this point, the Mayor announced that RVTV Channel 3 coverage of the City Council meeting would conclude.

**OTHER HEARING OF CITIZENS:** The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred immediately, without objection by Council, for response, report or recommendation to Council.

**COMPLAINTS-CITY COUNCIL:** Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., requested clarification with regard to how City Council meetings are conducted, i. e.: confusion over time limitations established for speakers, etc.

**COMPLAINTS-CITY COUNCIL:** Mr. Robert D. Gravely, 617 Hanover Avenue, N. W., expressed concern with regard to inner City needs, advantages offered by the City to big businesses, safety of elderly citizens, excessive traffic and speeding on Orange Avenue, N. E., inadequate street lighting in certain areas of the City, certain practices of the Roanoke Redevelopment and Housing Authority, drug trafficking in the City of Roanoke, and inadequate wages for City workers.

At 8:25 p.m., the Mayor declared the Council meeting in recess for two Closed Sessions which were previously approved by Council.

At 8:45 p.m., the meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, Mayor Smith presiding.

**COUNCIL:** With respect to the Closed Meeting just concluded, Mr. Carder moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES:** Council Members Hudson, White, Wyatt, Bestpitch, Carder, Harris, and Mayor Smith-----7.

**NAYS:** None-----0.

At 8:50 p.m., the Mayor declared the City Council meeting in recess to be reconvened on Monday, November 26, 2001, at 9:00 a.m., at Virginia's Explore Park,



3900 Rutrough Road, S. E., at which time Council will participate in a joint retreat with the Roanoke City School Board.

The City Council meeting reconvened on Monday, November 19, 2001, at 9:00 a.m., in the Blue Ridge Room at the Arthur Taubman Welcome Center, Explore Park, for a City Council/Roanoke City School Board Planning Retreat, with Mayor Ralph K. Smith and School Board Chair Sherman P. Lea presiding.

**CITY COUNCIL MEMBERS PRESENT:** William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., Linda F. Wyatt, William White, Sr., and Mayor Ralph K. Smith-----7.

**ABSENT:** None-----0.

**SCHOOL TRUSTEES PRESENT:** Charles W. Day, Marsha W. Ellison, Gloria P. Manns, Melinda J. Payne, Ruth C. Wilson, Brian J. Wishneff, and Chairman Sherman P. Lea-----7.

**ABSENT:** None-----0.

**STAFF PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Mary F. Parker, City Clerk; E. Wayne Harris, Superintendent, Roanoke City Public Schools; and Cindy L. Lee, Clerk to the School Board.

**COUNCIL-SCHOOLS:** The retreat was facilitated by Lyle Sumek, Lyle Sumek Associates. Mr. Sumek advised that the proposed agenda would consist of the following items, but could be revised as the day progresses:

I. Team Work and Leadership

II. Understanding:

How we see ourselves  
How we see others  
How we think others see us  
Message to others

III. Quality Education:

Definition

## **Major Challenges**

### **IV. Goals and Responsibilities:**

**Definition of success**  
**Need to be successful**

### **V. Common Agenda for 2002:**

**Issues**  
**Priorities**

### **VI. Process for Working Together:**

**Communications**  
**Problem-solving mechanism**

### **VII. Other Topics:**

### **VIII. Commitments to Action:**

**Mr. Sumek advised that the desired outcomes will be: a better understanding of Roanoke's children - common goal, understanding and respecting roles and responsibilities of each other, the process for working together, and moving beyond the past.**

**Following discussion with regard to the definition of a leader, Mr. Sumek requested that Council Members and School Trustees break into two groups and respond to the following questions:**

**How do we see ourselves?**  
**How do we see others?**  
**How do we think others see us?**  
**Message to others?**

**He asked that the two groups identify the top two - three responses for each question, with the City Manager and the School Superintendent serving as recorders for their respective groups.**

**Following completion of the exercise, the two groups reported their responses which generated discussion regarding accountability issues, the recent School Board audit, and the need to open the lines of communication between the two bodies.**

**Mr. Sumek summarized responses to the above exercise, i.e.:**

**Be sensitive to the forum and sharing of information,**

**It is okay to be passionate about an issue,**

**Separate the individual message from the collective message,**

**Make sure that the message is clear,**

**Take responsibility as the receiver of the message to clarify the message,**

**Avoid over reacting to one incident,**

**Re-establish communications,**

**Learn how to work more effectively together, and**

**When there is a crisis, continue to be willing to communicate and to agree that the two bodies need to sit down together and work out a solution.**

**At 12:00 noon, the meeting was declared in recess for lunch.**

**At 12:25 p.m., the meeting reconvened.**

**(At this point, Council Member Harris left the meeting.)**

**Council Members and School Trustees were requested to break into groups of three to respond to the following questions:**

**The best education in Roanoke means?**

**What are the major challenges over the next one to five years?**

**(At 12:45 p.m., Council Members Hudson and White left the meeting.)**

As a result of the morning exercise, Mr. Sumek summarized the following points:

**CITY COUNCIL:**

Establish vision and goals,

Determine policy,

Develop financial policy and manage financial resources,

Establish guidelines and hold the School Board accountable,

Work with the School Board to share information, to solve problems and to address issues,

Be an advocate of the City and quality education/serve as the City's corporate board of directors.

**SCHOOL BOARD:**

Determine policy/School system vision,

Establish goals and direct vision budget,

Be an advocate for the schools and quality education,

Work with Council to share information, to solve problems and to address issues,

Monitor "manage" school resources,

Listen to the community,

Educate the community on education in school issues and opportunities, and

Serve as a Board of Directors for the education system.

Council Members and School Trustees participated in an exercise in which they were requested to respond to the following questions:

**Identify what action you are willing to take to contribute to being successful.**

**What do you need from the other group to be successful?**

**Identify from your group's perspective four of the most important short term issues that need attention (issues for joint problem solving).**

**Mr. Sumek advised that the session is intended to lay the foundation for the future. He urged that the two bodies not over commit because it is easy to create false expectations that sometimes are not fulfilled. He stated that within the next week, he would provide the City Manager with a summary of the retreat from his perspective and urged that two Council Members and two School Trustees review the material and submit a report summarizing the retreat.**

**Actions for success were identified as follows:**

**To foster better communications by following protocol, i.e.: the Mayor will communicate with the School Board Chair and the School Board Chair will communicate with the Mayor,**

**Reassess the joint meeting format,**

**Improve communications,**

**Be more sensitive to comments made in public.**

**Joint efforts by Council and the School Board to market the school system.**

**Re-institute monthly presentations by the School Board at City Council meetings.**

**Joint efforts include:**

**Athletic facilities,**

**Market schools in the community,**

**Communication piece,**

**Budget.**

**Collective actions include:**

**Establish procedures for joint problem solving using two School Board Members and two City Council Members to address issues,**

**Establish a “buddy” system as follows:**

<b>Mayor Smith</b>	<b>-</b>	<b>Chairman Lea</b>
<b>Vice-Mayor Carder</b>	<b>-</b>	<b>Mr. Wishneff</b>
<b>Mr. Hudson</b>	<b>-</b>	<b>Ms. Willson</b>
<b>Ms. Wyatt</b>	<b>-</b>	<b>Ms. Payne</b>
<b>Mr. White</b>	<b>-</b>	<b>Ms. Manns</b>
<b>Mr. Bestpitch</b>	<b>-</b>	<b>Mr. Day</b>
<b>Mr. Harris</b>	<b>-</b>	<b>Ms. Ellison</b>

**Mr. Sumek suggested that by the end of the fiscal year, each School Trustee should have contacted their Council “buddy” on at least two occasions.**

**The City Manager offered the assistance of City staff to present briefings to the School Board with regard to City projects or programs of interest.**

**There was discussion with regard to establishing four groups to address issues relating to athletics, budget, marketing and coordination of services which would be composed of two School Board Members and two City Council Members, and Mr. Sumek suggested that it would be advantageous to appoint individuals with differing perspectives.**

**As a follow-up to the retreat, Mr. Sumek suggested that the City Manager, the Superintendent of Schools, the Mayor, the Chair of the School Board, a City Council Member and a School Trustee review the summary of information that will be forwarded to the City Manager. He advised that the real challenge is where do the two bodies go from this point, and the success of the retreat will be determined by the actions of each individual, along with the collective actions of the Council and the School Board.**

**Chairman Lea called attention to a study of the Roanoke City Schools Human Resources Department by individuals involved in the Human Resources field from across the Commonwealth of Virginia. He stated that the group spent a considerable amount of time interviewing staff of the Human Resources Department, School Trustees and school principals, etc., and approximately ten commendations were made and 29 recommendations were submitted for improvements which are**

proposed for implementation between now and July 1, 2002. He explained that the School Board and School Superintendent are addressing the recommendations and the City's Municipal Auditor has been provided with a copy of the recommendations.

There was discussion with regard to the issue of sports districts and implementing a Roanoke Valley Sports District to be composed of four Roanoke County schools, the City of Salem and the City of Roanoke which could be another Blue Ridge District. It was noted that there have been discussions with representatives of Roanoke County and the City of Salem who have expressed an interest in participating.

There being no further business, the meeting was adjourned at 3:15 p.m.

**A P P R O V E D**

**ATTEST:**

**Mary F. Parker**  
**City Clerk**

**Ralph K. Smith**  
**Mayor**

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